IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

E.S.A. No. 3897 of 2006
Date of decision : 2.11.2006.

Ranjit Singh

.....Appellant.

Versus

Maya Devi & Ors.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. Arun Bansal ,Advocate
for the appellant.

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VINOD K. SHARMA,J.(ORAL)

By way of present revision petition the challenge is to the order dated 29.10.2004 passed by the learned executing Court dismissing the objections filed by the petitioner claiming himself to be not bound by the decree as he was owner of the property.

The respondent decree-holder had filed a petition for eviction of the tenant i.e. L.Rs of Smt. Shanti Devi, which was allowed.

It was claimed by the petitioner that he being the owner was handed over the possession by the L.Rs of Smt.Shanti Devi as she was tenant under him and not under the decree-holder. Once the possession of the property was claimed to have been given to the petitioner by the Judgment Debtor, the learned Executing Court rightly came to the conclusion that the present objection petition was an attempt to delay the proceedings and, therefore, summarily rejected the objections. The learned counsel for the petitioner contended that the objections filed by the

petitioner under Order 21 Rule 99 C.P.C. were to be decided on merits after framing the issues and,therefore, the impugned order cannot be sustained.

The learned counsel also argued that the decree was obtained by the decree-holder by playing a fraud on the Court.

I have considered the arguments raised by the learned counsel for the petitioner and find that once the objection petition was held to be not maintainable keeping in view the fact that the possession was admittedly taken through the judgment debtor, the learned executing Court has rightly come to the conclusion that the objections were frivolous and there was no necessity to frame any issues. For coming to this conclusion, the learned executing Court rightly placed reliance on the judgment of this case in the case of ***Usha Devi Vs. Parshadi Lal and anoher 1999(1) Civil Court Cases 110.*** The petitioner was therefore rightly held not to be entitled to maintain the possession as the same was taken from the decree-debtor. There is no error in the order passed by the learned executing Court which can be interfered by this Court in exercise of revisional jurisdiction.

Dismissed.

November 2,2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**